

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.97/2013

Jodhpur, this the 19th day of August, 2016

Reserved on 17.08.2016

CORAM

Hon'ble Ms. Praveen Mahajan, Administrative Member

Bhagirath Singh S/o Late Shri Mangu Singh, aged about 30 years, R/o village Altawa, Post Office Gachchipura, Tehsil Makrana, District Nagaur, his late father was last employed on the post of GDSMC at Altawa Post Office Gachchipura, Nagaur.

.....Applicant

Mr. J.K. Mishra, counsel for applicant.

Versus

1. Union of India through Secretary to Govt. of India, Department of Posts, Ministry of Communications & IT Dak Bhawan, Sansad Marg, New Delhi-110001.
2. Chief Post Master General, Rajasthan Circle, Jaipur-302 007.
3. Senior Superintendent of Post Offices, Nagpur Division, Nagaur (Raj).

.....respondents

Mr. K.S. Yadav, counsel for respondents.

ORDER (Oral)

The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 for seeking following reliefs:-

"(1) That impugned order dated 25.07.2011 (Annexure-A/1) and 05.12.2012 (Annexure-A/2) may be declared illegal and the same may be quashed. The respondents may be directed to reconsider the candidature of the applicant for compassionate appointment as per rules in force at the time of date of death of the father of the applicant and allow all consequential benefits.

(ii) That any other direction, or orders may be passed in favour of the applicant, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.

(iii) That the costs of this application may be awarded."

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2. The applicant is the son of Late Shri Mangu Singh, who was employed on the post of GDSMC and died on 21.03.2010. The mother of the applicant submitted Annexure-A/4 application to the respondent No.3 for granting compassionate appointment to the applicant. The authorities asked him to submit affidavits of other family members and the same were duly submitted in July, 2010 (Annexure-A/5). The case of the applicant for compassionate appointment was considered by the Circle Relaxation Committee and rejected vide letter dated 25.07.2011 (Annexure-A/1) on the pretext that the Committee did not find the family in indigent condition and further the case was not recommended due to non-availability of vacancies. The applicant was given oral assurance that he would be given appointment in the next year. The post vacated by his father also has been kept vacant. The case of applicant was again considered but the same has been rejected again vide order dated 05.12.2012 (Annexure-A/2) by saying that he scored only 32 marks whereas requisite marks should be 50 as per provisions made in subsequent Circular dated 09.03.2012. The rejection of the claim of the applicant on the basis of subsequent instructions issued on 09.03.2012 is of no consequence since the death of the father of the applicant took place on 21.03.2010. The case of the applicant was earlier rejected on the pretext of vacancy whereas the same vacancy still remains. It is now rejected on the ground that he did not fulfil the standard laid down subsequently. Hence, the current OA.

3. By way of reply, the respondents aver that the case of the applicant was considered by the Circle Relaxation Committee, in its meeting held on 05.05.2011 in accordance with Postal Directorate's Instructions received under letter dated 14.12.2010. After a balanced and objective assessment of the financial condition of the family, taking into account its assets and liability,

the CRC did not find the condition of family of the deceased employee as indigent, therefore the case was not recommended for compassionate appointment due to non-availability of vacancy in concerned Division against the year 2010. The CRC further recommended the case of the applicant for reconsideration in next year, in view of lack of vacancies this year. The case of the applicant was again reconsidered by the CRC meeting held on 20/21.11.2012. After making objective and comparative assessment of the financial condition and liabilities of the deceased family they did not recommend the case for appointment under compassionate ground. The applicant secured only 32 points against the prescribed minimum 50 points, and thus his case was not found hard and deserving, in view of the Postal Directorate latest guidelines on the subject issued vide letter No.17-17/2010 DGS dated 14.12.2010 and 09.03.2012. It has been further averred that the father of the applicant was survived by his widow Smt. Sukan Kanwar and four sons including the applicant. The applicant has mentioned only three sons of the deceased employee, including himself in para 4.2 of the OA. However, as per the particulars of all dependents (Part-II) of late Shri Mangu Singh, furnished by the applicant at the time of applying for appointment on compassionate ground, four sons have been mentioned by the applicant. The dependent mentioned as serial No.5 of Part-II Shri Rur Singh is already serving in Postal Department as GDSMC. Two other sons of the deceased (brothers of the applicant) are also earning well and doing jobs in private sector. An amount of Rs.93840/- was received as terminal benefits (DCRG) by the widow of the deceased. The applicant himself has an income of Rs.18,000/- per month as per the certificate given by the Tehsildar, Makrana. As such the family of the deceased cannot be said in indigent conditions.

Further the case of the applicant has been considered as per the instructions applied at that time.

4. In rejoinder, the applicant while submitting his income certificate reiterated the facts as averred in the OA.

5. The respondents also filed an additional affidavit and annexed therewith the letter dated 09.10.2013 as Annexure-R/1.

6. Heard contentions of both sides and perused the record.

7. The request of the applicant for compassionate appointment was considered by the respondents on 05.05.2011 (Annex. A/1). The Circle Relaxation Committee (CRC) rejected his case on two grounds : (i) Condition of the family not being indigent and; (ii) Non-availability of vacancies in the years 2010. The applicants' case was again reconsidered by the CRC on 20/21.11.2012. Their objective assessment in this case was again two fold (a) that the applicant did not come in the category of hard and deserving cases; and, (b) that he secured only 32 points as against mandated 50 as per guidelines/circulars dated 14.12.2010 and 09.03.2012 issued vide letter No. 17-17/2010-GDS.

8. What clearly emerges from the findings of both the Committees is that the applicant is reasonably better placed financially due to the fact that (a) The family owns a house and agricultural land; (b) has an income of Rs 1500/- per month (in the counter the respondents peg the personal income of the applicant at Rs 18,000/- per month based on the certificate of local Tehsildar); and (c) that there is no liability like marriage of daughter and education of children etc. The respondents have also submitted in para 7 of the reply to the OA that other siblings of the applicant are well settled.

9. For the sake of argument, even if the plea of the Ld. Counsel for applicant is considered, that the guidelines outlined in circulars dated 14.12.2010 and 09.03.2012 cannot be applied in the case of the applicant since his request preceded the issue of the two circulars, the case of the applicant still has no legs to stand on, in view of the well reasoned assessment of the CRC reproduced in letter dated 05.12.2012(Annex. A/2) of the respondents. I, therefore, find no merit in the OA.

10. Accordingly, the OA is dismissed. No costs.


[Praveen Mahajan]
Administrative Member

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